

CASE # C15-2013-0029

ROW # 10911858

CITY OF AUSTIN TP-0109040709

**APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE**

WARNING: Filing of this appeal stops all affected construction activity.

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED
INFORMATION COMPLETED.**

STREET ADDRESS: 1608 W. 8th Street

LEGAL DESCRIPTION: Subdivision – Lauve

Lot(s) S. 87.5' Lot 10 Block 3 Outlot _____ Division _____

I Jim Wittliff / Land Answers, Inc. on behalf of myself as authorized agent for Megan Alrutz and Daniel Armendariz affirm that on _____,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

X ERECT ___ ATTACH ___ COMPLETE ___ REMODEL ___ MAINTAIN

A secondary apartment located 7.5 feet in front of the rear wall of the main residence [15 feet to rear required, per LDC 25-2-1463(C)(1)], and a 5 foot rear setback [10 feet required per LDC 25-2-492]

in a SF-3-NP district.
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The zoning regulations require a minimum 7,000 sq. ft. lot for a Secondary Apartment. However, this is a substandard-sized lot within the Old West Austin Neighborhood Association (OWANA) which contains only 5,218 sq. ft. of land area. The Old West Austin Neighborhood Plan has granted small lot amnesty, and this property qualifies for approval of a Land Status Legal Tract platting exception. In addition, OWANA has chosen to permit the Secondary Apartment Special Use option on lots that qualify for small lot amnesty. This property also has a 32 inch diameter Post Oak Heritage Tree located in the back yard, with an approved Tree Ordinance Review (see attached), provided the proposed Secondary Apartment does not encroach into the Half Critical Root Zone. As a result, there is not adequate space to provide a 15 foot rear setback between the existing primary residence and the proposed Secondary Apartment, which will be built essentially within the footprint of the existing garage/storage building on the site. The existing garage provides an 11 inch rear setback; we are proposing a 5 foot rear setback for the Secondary Apartment to provide improved site drainage and to provide a fire break between this structure and the existing storage building on the adjacent lot to the rear, which has no rear setback.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

This property has a Heritage Tree in the rear yard whose Critical Root Zone must be protected, this property is a substandard-sized lot, and OWANA is one of the few neighborhoods in Austin that encourages the development of Secondary Apartments on substandard-sized lots.

- (b) The hardship is not general to the area in which the property is located because:

Most of the surrounding properties do not have Heritage Trees in the rear yard. In addition, this is a substandard-sized property.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

This is a dense urban residential neighborhood that encourages and welcomes Secondary Apartments on substandard-sized lots. The site will still comply with Floor Area Ratio and impervious cover limits.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

N/A

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 3606 Winfield Cove

City, State & Zip Austin, TX. 78704

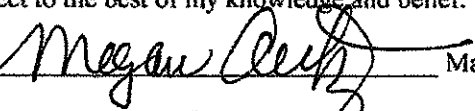
Printed Jim Wittliff

Phone 512-416-6611

Date 2-28-13

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed



Mail Address 1608 W. 8th Street

Signed



City, State & Zip Austin, TX. 78703

Printed Megan Alrutz

Phone 480 993 9783

Date

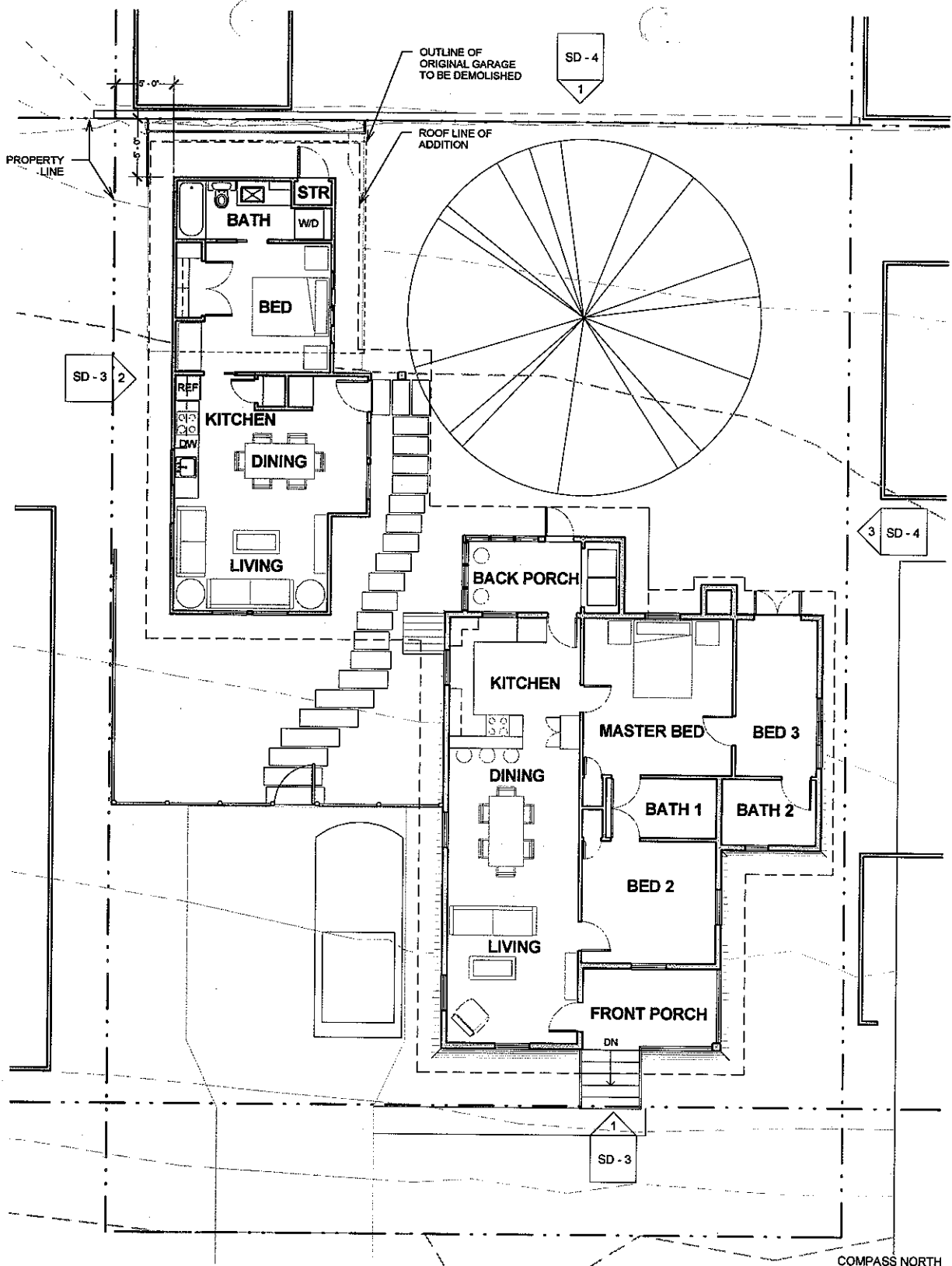
2-28-2013

Printed Daniel Armendariz

Phone 480 993 9784

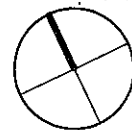
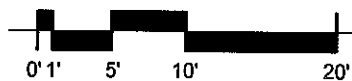
Date

2/28/2013



SCHEMATIC PLAN

SCALE: 1/8" = 1'-0"



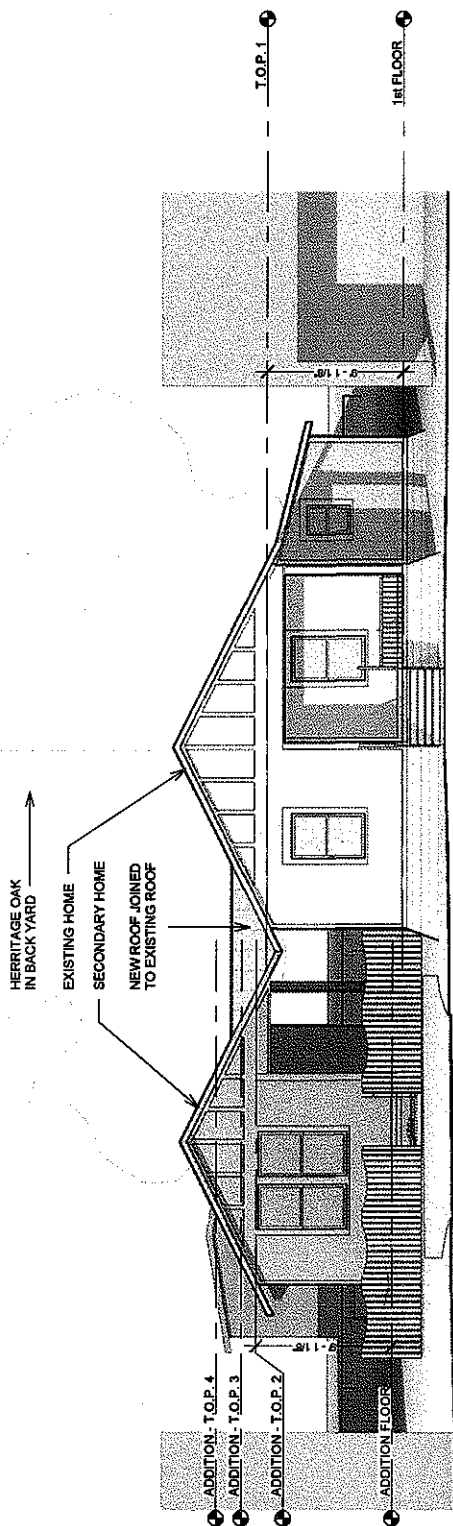
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1800 WEST SIXTH STREET, AUSTIN, TEXAS 78703
512. 476. 8580 FAX 512. 476. 8887
www.BarleyPfeiffer.com

NOT FOR PERMIT, BID, OR CONSTRUCTION

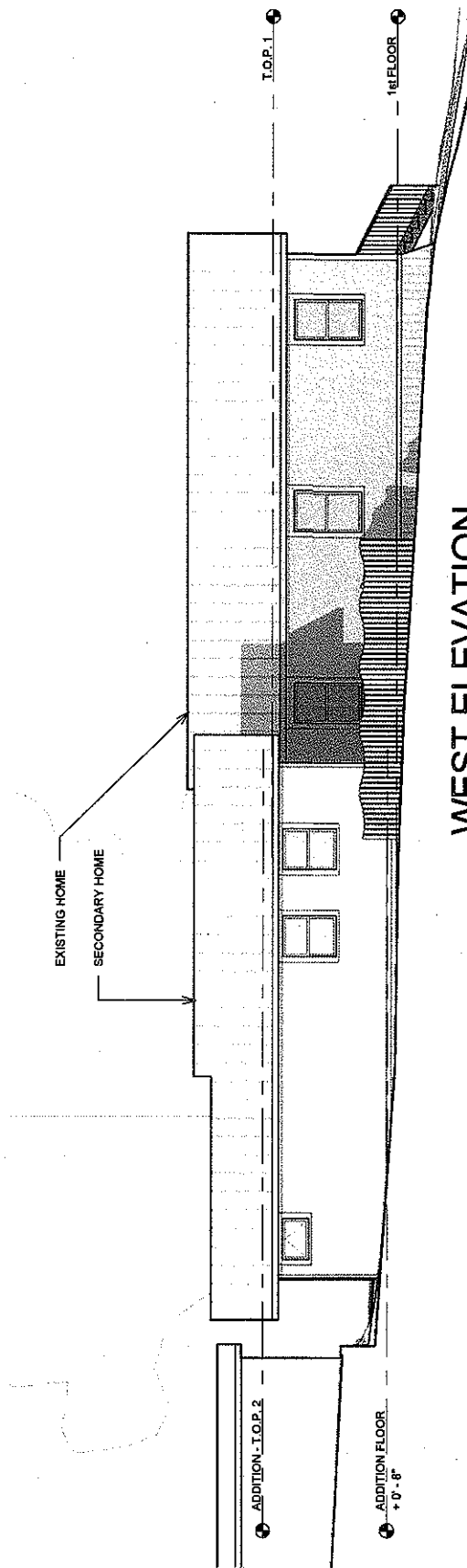
REMODEL FOR:
MEGAN ALRUTZ AND DANIEL ARMENDARIZ
1608 West 8th Street
Austin, TX 78703

PROJECT#: 2242 DATE: February 18, 2013



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



WEST ELEVATION

SCALE: 1/8" = 1'-0"

REMODEL FOR:
MEGAN ALRUTZ AND DANIEL ARMENDARIZ

1608 West 8th Street
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PROJECT #: 2242 DATE: February 18, 2013 SD - 3

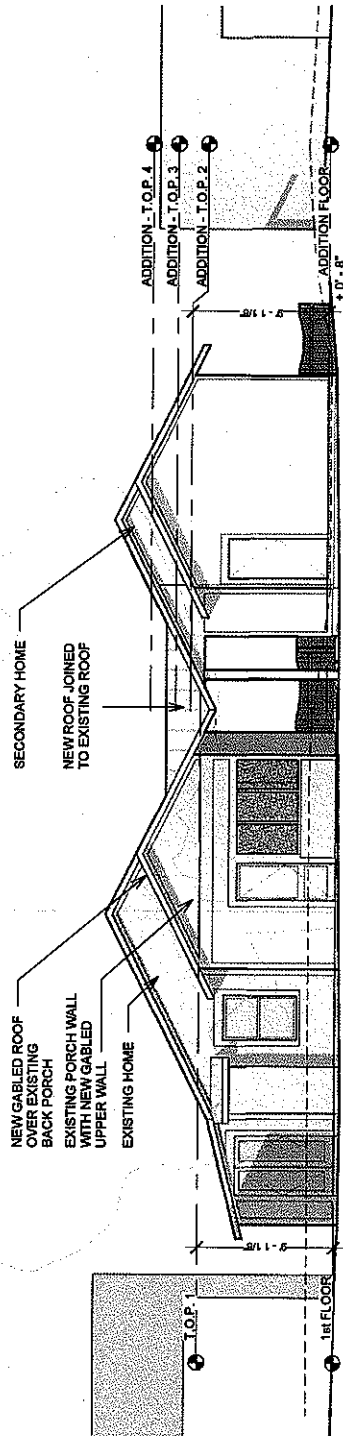
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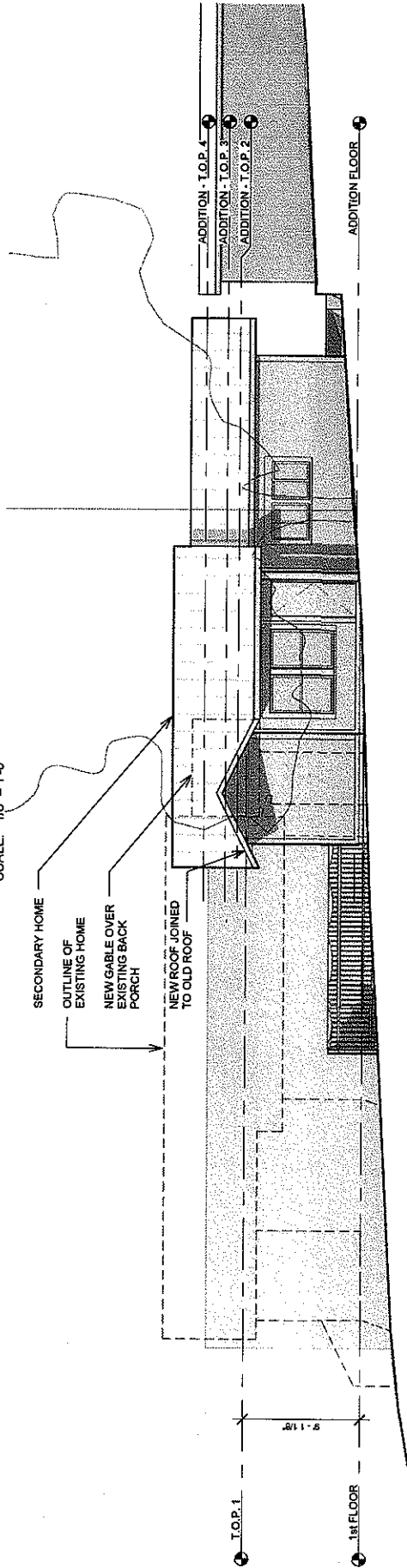
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NORTH ELEVATION

SCALE: 1/8" = 1'-0"



EAST ELEVATION - ADDITION

SCALE: 1/8" = 1'-0"

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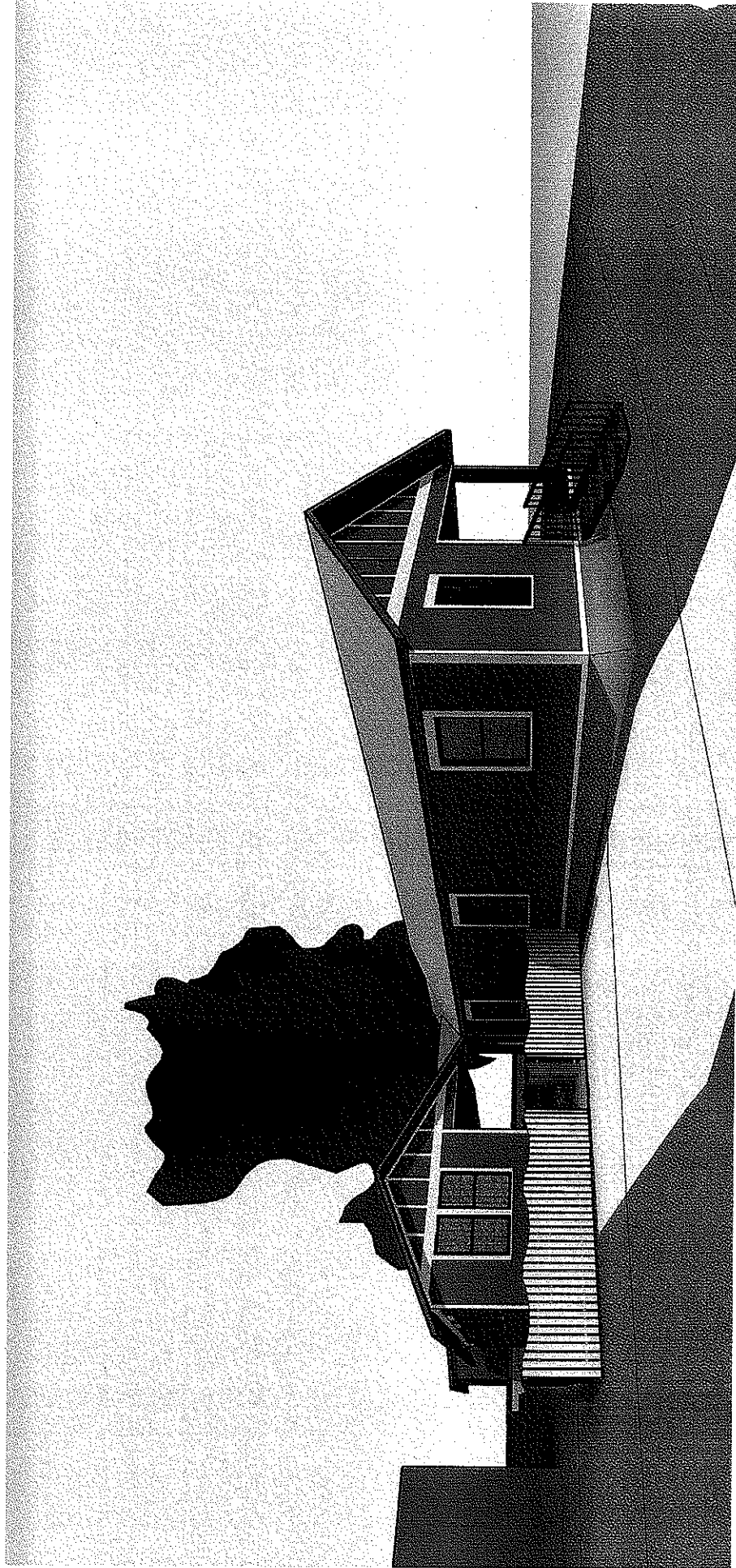
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REMODEL FOR:
 MEGAN ALRUTZ AND DANIEL ARMENDARIZ

1608 West 8th Street
 Austin, TX 78703

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VIEW FROM DRIVEWAY
NOT TO SCALE

REMODEL FOR:

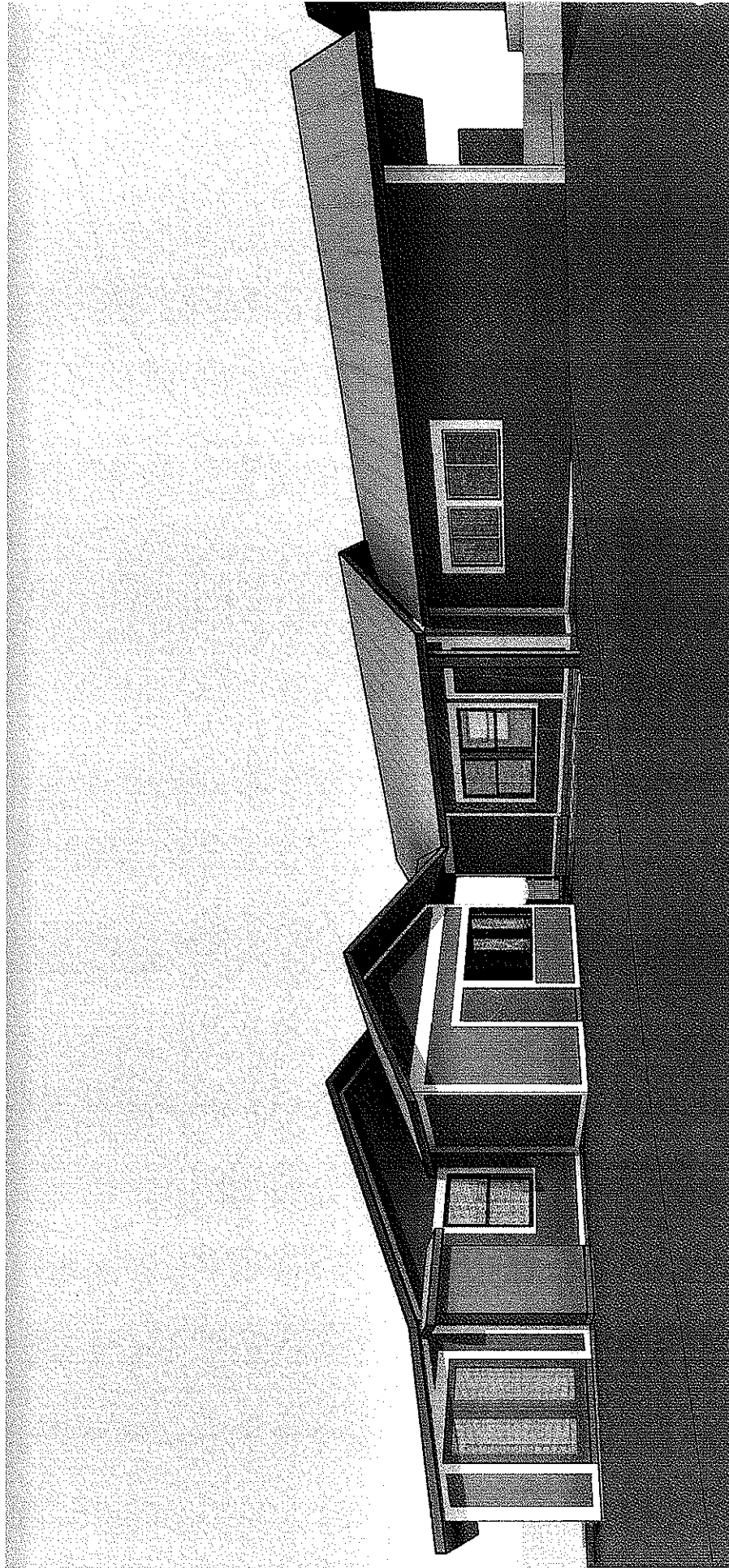
MEGAN ALRUTZ AND DANIEL ARMENDARIZ

February 18, 2013

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VIEW FROM BACK YARD
NOT TO SCALE

REMODEL FOR:

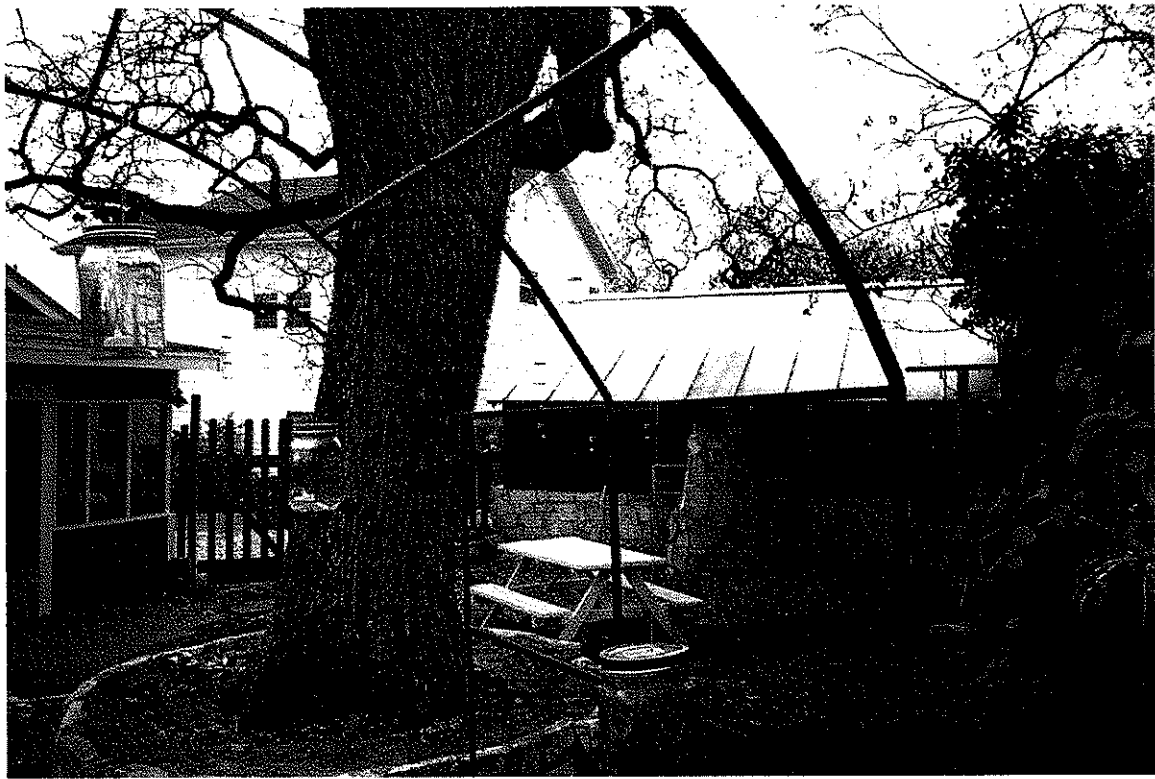
MEGAN ALRUTZ AND DANIEL ARMENDARIZ

February 18, 2013

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**City of Austin
Planning and Development Review
Land Status Determination
1995 Rule Platting Exception**

February 28, 2013

File Number: C8I-2013-0063

Address: 1608 W 8TH ST

Tax Parcel I.D. #01090407090000 Tax Map Date: 01/19/2011

The Planning & Development Review Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being a part of lot ten (10), block three (3), in Lauve's Resubdivision of lot seven (7) and eight (8), of the subdivision of 252 acres of land out of the George W. Spear League in the current deed, recorded on Aug 18, 2009, in Document #2009140504, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on Jul 14, 1977, in Volume 5832, Page 443, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by water service on Oct 02, 1970. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:
NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: Michelle Casillas

**Michelle Casillas, Representative of the Director
Planning and Development Review Department**



CITY OF AUSTIN
PLANNING AND DEVELOPMENT REVIEW DEPARTMENT
LAND STATUS DETERMINATION APPLICATION

☒ Legal Tract
☐ Other

☐ 1987 Rule Exception
☒ 1995 Rule Exception

☐ Health / Safety Exception
☐ Five-Acre Exception

PROJECT INFORMATION: (Department Use Only)

Grandfather/Exception Date: _____

Filing Date: 2/28/13

Accepted by: Michelle Casillas

File Number: C81-2013-

Case Manager: Same

PROPERTY INFORMATION

Tax Parcel Identification Number: 0109040709

Location Address: 1608 W. 8th ST.

Subdivision Name: LAUVE

Whole Lot #s: _____ Partial Lot #s: 5.87.5' Lot 10 Block #s: 3

Recorded in Plat book: 1 Page: 56 County: TRAVIS
Or if no subdivision

_____ Acres out of _____ Survey in _____ County

DEED INFORMATION

Deed conveying tract to current owner is filed for Record in: {if no Volume/Page, use Document No.}

Volume _____ Page _____ or Doc# 2009140504 County TRAVIS Date 8/18/2009

Deed pre-dating (grandfather date or exception date) is filed for Record in:

Volume 5832 Page 443 or Doc# _____ County TRAVIS Date 6/14/1977

OWNER INFORMATION

Name: DANIEL ARMENDARIZ & MEGAN ALRUTZ

Street Address: 1608 W. 8th ST.

City: AUSTIN State: TX Zip: 78703 Tel: 480-993-9784

PRIMARY CONTACT INFORMATION

Firm Name: LAND ANSWERS, INC Contact: Larry Heneold

Street Address: 3606 WINFIELD CV.

City: AUSTIN State: TX Zip: 78704

Telephone: 512-416-6611 FAX: 512-416-6610 Email: landanswers@sbcglobal.net

Larry Heneold

Applicant's Signature

2/21/13

Date



Attn: Jim Gobel
Pre-Design & Development
Tree Ordinance Review Application
Planning and Development Review Department
One Texas Center, 505 Barton Springs Road, 4th floor, Austin, TX 78704
Phone: (512) 974-1876 Fax: (512) 974-3010
Email: cityarborist@austintexas.gov Website: www.austintexas.gov/departments/city-arborist

ROW I.D. 10840001
TreeC Mapsco Pg 584Q

Application request* (specify all that apply):

- ☐ Tree removal (LDC 25-8-602(3))
☒ Critical Root Zone impacts (ECM 3.5.2 A)
☐ Live canopy impacts of more than 25% (ECM 3.5.2 B)

* Refer to Land Development Code (LDC) 25-8 (B)(1) and Environmental Criteria Manual (ECM) (Section 3 & App. F). Applicant understands that all impacts may threaten the health of the tree and that approval of this application does not guarantee favorable tree results.

Address and zip code of property: 1608 W. 8th St Austin, TX 78703

Name of owner or authorized agent: Daniel Armendariz

Building permit number (if applicable): N/A

Telephone #: 4809939784 Fax #: E-mail:

Tree Species: Post Oak Tree location on lot: Backyard

Trunk size (in inches) at 4 1/2 feet above ground: circumference (around) or diameter (across) 32"

General tree condition: ☒ Good / ☐ Fair / ☐ Poor / ☐ Dead

Reason for request: ☒ Development ☐ Tree condition ☐ Other:

Owner/ Authorized Agent Signature: [Signature] Date: 9/27/2012

- c Proposed development projects are to include a plan view drawing that depicts the location of the tree and the planned improvements (e.g. structure, driveway, utility and irrigation lines).
c This permit application only reviews for compliance with tree regulations
c The application fee must be paid prior to permit issuance. No fee is required for dead or diseased trees

Application Determination - To be completed by City Arborist Program Personnel

- ☐ Approved ☒ *Approved With Conditions ☐ Statutory Denial (more information required) ☐ Denied

Comments:

- ☒ Heritage Tree(s) ☒ A heritage tree variance is required: ☒ Administrative / ☐ Land Use Commission

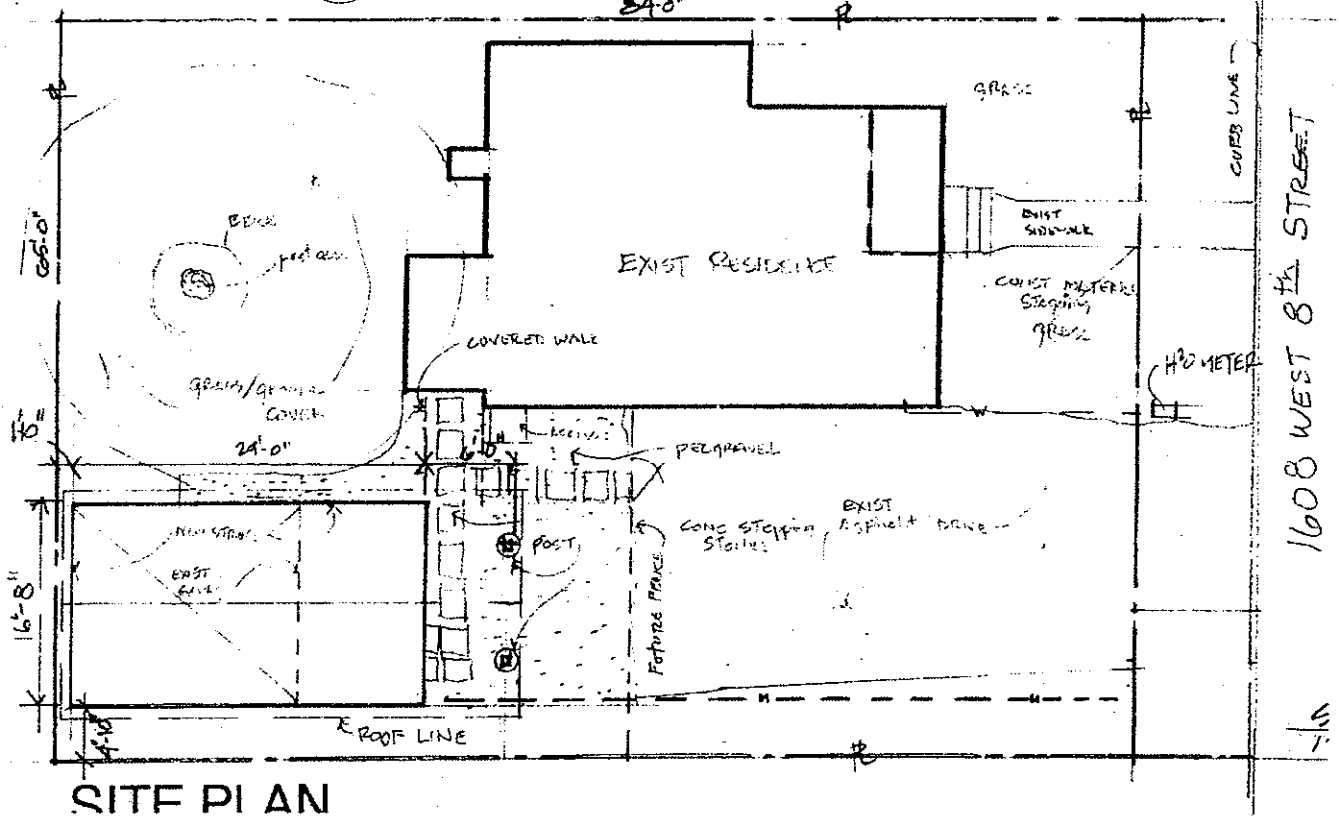
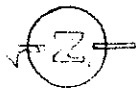
Conditions of Approval: ☐ None or ☐ As described within Arborist Comments (see above); and

- ☐ Applicant agrees to plant ___ caliper inches of central Texas native trees (see ECM Appendix F) on the lot prior to obtaining a final inspection (if applicable). Trees are to have a minimum 2-inch trunk diameter. Examples include Oaks, Cedar Elm, Bald Cypress, Desert Willow, Mountain Laurel, Texas Persimmon, Mexican Plum, etc.
☒ Prior to development, applicant agrees to supply a root zone mulch layer and maintain tree protection fencing (chain-link, five-foot in height) throughout the project duration.
☒ No additional impacts are permitted within the 1/2 Critical Root Zone, including utility trenching
☒ Provide a receipt from a certified arborist for: ☒ remedial root care ☒ any required pruning

Applicant Signature: [Signature] Date: City Arborist Signature: [Signature] Date: 10/8/2012

Post this document on site while any proposed work is in progress.
Conditions for approval of this application must be met within 1 year of the effective date.

OWNER: DANIEL ARMENDARIZ
480-993-9784
ARCH: ROY L. LOGAN AIA
830-857-5944



SITE PLAN